IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE B. SUDERSHAN REDDY

WRIT PETITION No.17635 of 1994

Between:

Y. Venkateswara Rao S/o. Late Chukkayya, Teacher,

R/o. Yaddanapudi Village, Muvva Mandalam,

Krishna District.

..... PETITIONER

And

1. The District Collector, Krishna District.

2. The Revenue Divisional Officer, Bandar,

Krishna District.

3. The Mandal Revenue Officer,

Muvva Mandal, Krishna District.

4. State of A.P., Rep. by its Secretary,

Social Welfare Department, Secretariat,

Hyderabad.

5. Pamarti Subba Rao

Yaddanapudi Village, Muvva Mandal,

Krishna District.

6. Pamarti Pushpavathi

Yaddanapudi Village, Muvva Mandal,

Krishna District.

.....RESPONDENTs

Petition under Article 226 of the Constitution of India praying to issue any appropriate writ order or direction more in the nature of writ of certiorari and quash the 4(1) Notification under the Land Acquisition Act issued by the 1st respondent seeking to acquire his land Ac.2-76 cents in R.S. No.191/1 in Yaddanapudi village, Muvva Mandal, Krishna District as published in Andhra Prabha daily on 22-5-1994 and also in Krishna District Gazette and the Section 6 declaration in proceedings R.C. No.G.9/163/92/23894 as published in Andhra Prabha daily on 25-8-1994 confirming the said acquisition as illegal discriminationary and violative of Article 14 of the Constitution of India.

Counsel for the Petitioner: Smt. M. Bhaskara Lakshmi

Counsel for the Respondent Nos.1 to 4: G.P. for Social Welfare

Counsel for the Respondent Nos.5 & 6: -

The Court made the following :

THE HONOURABLE SRI JUSTICE B. SUDERSHAN REDDY

W.P. 17635 OF 1994

JUDGMENT:

The petitioner invokes the jurisdiction of this Court under Article 226 of the Constitution of India challenging the legality and validity of the draft notification issued under Section 4(1) of the Land Acquisition Act, 1894 (for short 'the Act') proposed to acquire the land admeasuring
Acs.2-76 cents in R.S. No.191/1 in Yuddanapudi Village, Muvva Mandal, Krishna District.

There is no dispute whatsoever that the petitioner is the true and absolute owner of the said land. The validity of the notification is challenged on various grounds but in view of the subsequent events, it is not necessary to critically examine those grounds in detail. During the course of hearing of this writ petition, learned Government Pleader for Land Acquisition made available proceedings of the Mandal Revenue Officer whereunder it is stated that the beneficiaries for whose benefit the land was proposed to be acquired have not accepted to enter into the land. For whatever reason, on their request, the land in Survey No.159/4 admeasuring Acs.2-32 cents and an extent of 0-25 cents in R.S. No.160/1A of the same village was acquired for the public purpose of providing house sites to 77 beneficiaries. The award was passed in Award No.15/96 and the pattas were accordingly granted to them and possession was also handedover to the beneficiaries. It is thus clear that the purpose for which the lands belonging to the petitioner were sought to be acquired, is no more subsisting. Now there is no public purpose as such subsists for proceeding further pursuant to the notification under Section 4(1) of the Act published in the District Gazette, dated 22-05-1994.

In the circumstances, the notification under Section 4(1) of the Act, dated 22-05-1994, and Section 6 declaration proceedings in R.C. No.G.9/163/92/23894 dated

25-08-1994, are accordingly set aside.

Accordingly, the Writ Petition is disposed of. No order as to costs.

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B. SUDERSHAN REDDY, J

Date:23-09-2004.

PV

To

1. The District Collector, Krishna District.

2. The Revenue Divisional Officer, Bandar,

Krishna District.

3. The Mandal Revenue Officer,

Muvva Mandal, Krishna District.

4. The Secretary, State of Andhra Pradesh,

Social Welfare Department, Secretariat,

Hyderabad.

5. Two C.Cs. to G.P. for Social Welfare, High Court of A.P.,

Hyderabad (OUT).

6. Two C.D. copies.